

Written Complaint 866_F1_e

A.107

Revision Date: 6/1/71

Exhibit V



VIRGINIA
DEPARTMENT OF CORRECTIONS

Regular Grievance 866_F1_10-20

Regular Grievance

Log Number: 1108-23-WRI-00581

Instructions for Filing:

- You must first attempt to resolve your issue through the informal complaint process prior to filing a *Regular Grievance*.
- You must attach the *Written Complaint* or other documentation used to satisfy the informal complaint process.
- Your grievance must be received within 30 days from the original incident or discovery of the incident, unless a more restrictive time limit applies.
- You must fill your *Regular Grievance* out completely and correctly
- You must explain your issue and how you were personally affected in the space provided, preferably in ink.
- You must avoid the reasons for rejection at intake; if your grievance is rejected you have 5 days to appeal the rejection.
- When multiple issues are submitted on the same grievance, you will only receive a response to the exact same issue addressed through the informal complaint process. All other issues will be forwarded to appropriate staff for investigation and resolution.

Wallace Demetrius 1705-34 A107
Offender Name (Last Name, First) Offender Number Housing Assignment
CO. Milgrim / Dotson 11-25-23 1 4:00 + 5:00 PM
Individuals Involved in Incident: Date/Time of Incident

Results of the Informal Complaint Process (Select one of the below)

- ☒ *Written Complaint* on this issue attached
☐ Other documentation used to satisfy the informal complaint process is attached
☐ Informal complaint process is not required for this issue

Explain Your Issue: (Provide a detailed explanation of the issue, your attempts to resolve the issue and how you were personally affected)

This is in regards to written complaint # 1108-23-WRI-00581
I approached CO Milgrim / Dotson about my toilet sink acting
up. When I approached Milgrim he became hostile and told me to
step behind the red line and get the fuck out of his face. I then
was told to place my arms behind my back because I was disobeying a
direct order. I explained to him that they could not cuff me
in the Pod while other offenders were out, Milgrim took this as if
I was refusing and grabbed me and roughly pushed me out of the
Pod. This is a clear violation and a clear assault. CO Milgrim
has violated O.P. 135.1 group 3a and O.P. 130.1, IV Procedure,
B. Professional Conduct, B. Humane Treatment

Suggested Remedy: (Identify in the space provided below, the action you want taken)

I want an investigation in accordance with 261.1 and I
want officer milgrim to be punished for violating operating procedure.

Demetrius Wallace
Offender Signature

12-23-23
Date

Log# H051-25-WM-00589

Exhibit 1
(Regional ombusman)

12-29-23

To Whom this may concern. I am writing you all due to my regular grievances being returns to me 2 times with no response at all. The first time was for me forgetting to put my signature, after that it was no reason at least not that they put. I approached CO Milgram? CO Dotson about my toilet? Sink not working. When I approached Milgram he became hostile and told me to "get the fuck out of his face and stop behind the rebar. We exchanged words about how he was speaking to me, He then told me to place my arms behind my back and cuff up. I stated that they could not cuff me in the Red while other offenders where out, Milgram then grabbed me by the right arm and tried to cuff me while being rough with me at the same time and pushed me out the Red. That is a clear violation / assault. He violated G.P. 135.1 group 3a and G.P. 130.1, Ev Procedure, B. Professional conduct, & Humane treatment. I want an investigation in accordance with 261.1 and I am pursuing for violating the operating procedure.

Offender D. Wallace # 1705831

The Map Pro Camera System will show them giving me these papers back on 12-29-23 at 6:00pm - 7:00pm

VIRGINIA
 DEPARTMENT OF CORRECTIONS

Written Complaint 866 FL

Written Complaint

Instructions for filing:

- You should first use the verbal complaint process and discuss your issue with staff before submitting this *Written Complaint*.
- You must explain your issue in the space provided below, preferably in ink.
- You must fill your *Written Complaint* form out completely and correctly.
- Your *Written Complaint* must be received within 15 days of the original incident or discovery of the incident.
- You are limited to only one issue per *Written Complaint*.
- You may file a *Regular Grievance* if you do not receive a response within 15 days.
- You are not required to submit a *Written Complaint* for alleged incidents of sexual abuse and sexual harassment or when the informal complaint process is satisfied by other documentation.

A.107

Offender Name: Demetrius Wallace Offender Number: 1705834

Individuals Involved in Incident: Det. Smith

Housing Assignment: Detention Cell #1

Date/Time of Incident: 11/05/23 Appx. 4:00 to 5:00pm

TO: Major Hall

(You must address your issue to institutional staff or an institutional department)

In the space provided explain your issue (be specific):

on 11/05/23 while standing in front of Detention Cell #1 Det. Smith in professional verbally said what the fuck are you looking at & said don't look at me while I'm fucking since you & Smith were saying what she proceeded to remove her pants and I moved my body face for to reveal. This matter was out of context, disrespectful & unprofessional & this matter should be looked at & handled accordingly to which agency this issue

Offender Signature: Demetrius Wallace

Date: 11/26/23

Changed cells to A4-11 from mezzanine

Offenders - Do Not Write Below This Line

Date Received: 11-30-23

Response Due: 12-15-23

Log Number: BOSP-23-WRI-00585

Assigned to: Major

Action Taken/Response:

You were disruptive during this incident. You were given multiple orders to stop your disruptive behavior and refused to comply. You turned aggressively towards Sgt Smith after orders to stop. AOC-Spencer was utilized for the protection of staff and to compel you to comply with orders. — Major Hall

Respondent Signature: [Signature]

Printed Name and Title: Major Hall

RECEIVED
 12/11/23
 Date

Withdrawal of Complaint:

I wish to voluntarily withdraw this complaint. I understand that by withdrawing this written complaint, there will be no further action on this issue nor will I receive a response to this complaint. I understand that I may resubmit this same issue once and only once on a new *Written Complaint* as long as the original 15-day time limit has not expired.

Offender Signature:

Date:

Staff Witness:

Date:

Exhibit VIII



VIRGINIA
 DEPARTMENT OF CORRECTIONS

Regular Grievance 816-PL-10-20

Regular Grievance

Log Number:

POSP-23-WRI-00525

Instructions for Filing:

- You must first attempt to resolve your issue through the informal complaint process prior to filing a Regular Grievance.
- You must attach the Written Complaint or other documentation used to satisfy the informal complaint process.
- Your grievance must be received within 30 days from the original incident or discovery of the incident, unless a more restrictive time limit applies.
- You must fill your Regular Grievance out completely and correctly.
- You must explain your issue and how you were personally affected in the space provided, preferably in ink.
- You must avoid the reasons for rejection at intake; if your grievance is rejected you have 5 days to appeal the rejection.
- When multiple issues are submitted on the same grievance, you will only receive a response to the exact same issue addressed through the informal complaint process. All other issues will be forwarded to appropriate staff for investigation and resolution.

Wallace Demetrius

1705831

A107

Offender Name (Last Name, First)

Offender Number

Housing Assignment

Sgt Smith, several other does

11-25-251 APP 4:00-5:00 PM

Individuals Involved in Incident:

Date/Time of Incident

Results of the Informal Complaint Process (Select one of the below)

- ☒ Written Complaint on this issue attached
- ☐ Other documentation used to satisfy the informal complaint process is attached
- ☐ Informal complaint process is not required for this issue

Explain Your Issue: (Provide a detailed explanation of the issue, your attempts to resolve the issue and how you were personally affected.)

This is in reference to Written Complaint log # POSP-23-WRI-00525 on the above date and approximate time while I was handcuffed and shackled standing in front of segregation after cell 22 Sgt. Smith stated to me "Don't look at me like that" I responded "you can't tell me where to look" She then stated "look at me again I'm going to slap your ass" I looked on and she sprayed me directly in my face. After that I was slammed and assaulted twice by several Sgts and officers who I'm still being denied their name. (This is all on Body Cameras & POC cameras). Sgt. Smith and these other individuals violate of 135.1 Group 3a and of 130.1 / IV Procedure / B. Professional conduct / 8. Humane Treatment. Practices that involve unnecessary and unrestricted infliction of pain are prohibited.

Suggested Remedy: (Identify in the space provided below, the action you want taken)

I want an investigation in accordance to 86.1.1 and I want Sgt. Smith and the other individuals involved punished for violating operating procedures / my constitutional rights.

Demetrius Wallace

12-23-23

Offender Signature

Date

"The Map Room system will show them giving the written complaint and grievance back on 12-24-23 at approximately 6:00 PM - 10:00 PM"

EXHIBIT IX
(Regional Ombudsman)

12-29-23

To Whom this may concern. I offender D. Wallace #1705851

was Maltreated and assaulted by several Sgt's & CO while I was in handcuffs & shackles. I was being locked up in Prison due to A "disobeying a direct order charge". While I was being held by 2 CO's one to my left and one to my right A Sgt. Smith told me not to look at her and asked me what the fuck am I looking at. She then pulled her mask out and told me if I look at her again I would be maltreated, I told her she couldn't tell me where to look at and right then she maltreated me in my face and eyes at point blank range. Then several officers lifted me off my feet and slammed me and continued to put their knees in my back & face and assault me. I yelled to them I was in pain that they were hurting my leg (leg) due to me having a rod in my leg to replace my femur bone. They then got off of me and told me to stand up which I did to my best of my abilities. They then gave me orders to bend my leg so they could remove the shackles. I told them several times that my leg was numb and that I couldn't ask for them to lay me down or remove them, they became frustrated and slammed me again and assaulted me once again. I since then have written several written complaints & grievances to the Mayor, Warden, Assistant Warden & unit manager. I have also written the Medical Administrator in both forms and do not get any responses except those two that I have put in this letter. This Complaint is very known for ¹⁰¹⁵framing Paper work and lying saying it wasn't filled. I am writing you all because ¹⁰¹⁵this was my next option in exhausting my remedies. I want everyone that was involved in the assault Sgt's & CO held accountable for what they did to me. I want an investigation in accordance to 86.1.1. And I want them all punished for violating operating procedures / my constitutional rights. Everything that I said/stated is and can be seen and heard on these MapPro Body cameras. I also have written several times to have the video and audio preserved for when I go to court but haven't gotten any response.

EXHIBIT X

I Demetrius Wallace State # 1705834

am swearing that on January 3rd 2024 I gave
my written complaints & regular grievances to Counselor

X Counselor COX 9:46am

To make copies

So that I could send it off to the Regional Ombudsman
to finish exhausting my administration remedies. After this is
sent out im asking to you all respond within 30 days
or im moving forward with my civil suit Thankyou.

Demetrius Wallace

COUNTY OF

WISE

STATE OF VIRGINIA

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 3rd DAY OF January, 2024

Christopher L Cox

NOTARY PUBLIC

MY COMMISSION EXPIRES 9-30-2025

CHRISTOPHER L COX

NOTARY PUBLIC

Commonwealth of Virginia

Registration No. 7940048

My Commission Expires September 30, 2025

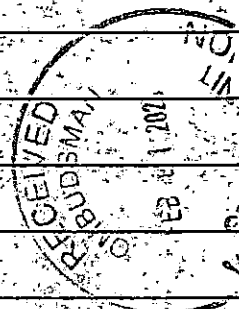


Exhibit X

**COMMONWEALTH OF VIRGINIA****Department of Corrections***Division of Field Operations**Western Regional Office*

Gregory L. Holloway
Regional Operations Chief

3313 Plantation Road, N.E.
Roanoke, Virginia 24012
(540) 561-7050

MEMORANDUM

DATE: February 02, 2024

TO: Demetrius Wallace **1705834**
Red Onion State Prison

FROM: C. Meade
Regional Ombudsman

RE: Correspondence regarding Regular Grievances

I have received your correspondence regarding two (2) Written Complaints that was received in the ROSP Grievance Department on 11/30/2023 ROSP-23-WRI-00585 and ROSP-23-WRI-00584. You also attached copies of Regular Grievances to these Written Complaint copies. You stated that you have not received a response to the Regular Grievances. You cannot submit an appeal until they have been processed at the Facility level.

Written Complaint

Exhibit XII

Instructions for filing:

- You should first use the verbal complaint process and discuss your issue with staff before submitting this *Written Complaint*.
- You must explain your issue in the space provided below, preferably in ink.
- You must fill your *Written Complaint* form out completely and correctly.
- Your *Written Complaint* must be received within 15 days of the original incident or discovery of the incident.
- You are limited to only one issue per *Written Complaint*.
- You may file a *Regular Grievance* if you do not receive a response within 15 days.
- You are not required to submit a *Written Complaint* for alleged incidents of sexual abuse and sexual harassment or when the informal complaint process is satisfied by other documentation.

Demetrius Wallace 1705834

Offender Name

Offender Number

A4-16 A407

Housing Assignment

Sgt. Smith, Co Detson, CO Milgram? other John Doe's

Individuals Involved in Incident

11-25-23 4:10-4:55 PM

Date/Time of Incident

TO: Warden / Chief of Security / Institution Investigation Unit of ROSP
(You must address your issue to institutional staff or an institutional department)

In the space provided explain your issue (be specific):

At approximately 4:10 - 4:55 PM on 11-25-23 I was sprayed with OC spray in my face and assaulted twice while in restraints with 2 officers holding me in handcuffs and shackles. Therefore I am requesting that you all preserve and hold the footage from Sgt. Smith and every other Sgt. that was involved on Body camera for evidence in any potential legal proceedings.

Please? Thankyou!

Offender Signature: Demetrius Wallace

Date: 11-28-23

Offenders - Do Not Write Below This Line

Date Received: DEC 01 2023

Response Due: DEC 16 2023

Log Number: ROSP-23-WRI-00618

Assigned to: Intel

Action Taken/Response:

All Footage that you have requested has been saved

TMU: Intel Office

Respondent Signature

TMU: Intel Office

Printed Name and Title

12-5-23

Date

Withdrawal of Complaint:

I wish to voluntarily withdraw this complaint. I understand that by withdrawing this written complaint, there will be no further action on this issue nor will I receive a response to this complaint. I understand that I may resubmit this same issue once and only once on a new *Written Complaint* as long as the original 15-day time limit has not expired.

Offender Signature:

Date:

Staff Witness:

Date:

United States District Court
For The Western District Of
Virginia

Demetrius D. Wallace

SUMMONS

Plaintiff,

Mon.

Civil Action No.

Us.

"Jury Trial Demanded"

Director Chadwick S. Dotson, et al. (See Exhibits I,
II, and III for additional defendant(s) names and addresses.
Individually and in their official capacities,
Defendant(s),

To: Director Chadwick S. Dotson.

Virginia Department of Corrections

6900 Atmore Drive

P.O. Box 26963

Richmond, Virginia 23261

A lawsuit has been filed against you.

Within 21 days after service of this summons on
you, exclusive of the day of service of this summons;
upon you, exclusive of the day of service, or 60
days if you are the United States, a United
States agency, or an officer or employee of the
United States as described in Fed. R. Civ. P.

12(a)(2) or (3) - you must serve on the plaintiff, Demetrius D. Wallace, an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff, Demetrius D. Wallace, whose address is:

Demetrius D. Wallace

#1705834

Virginia Centralized Mail Distribution Center
Red Onion State Prison

3521 Woods Way

State Farm, Virginia 23160

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk of the court Date:

Additional Defendant(s) Names & Addresses

The defendant, Gregory Holloway, address is
3313 Plantation Road, NE Roanoke, Virginia
24021

The defendant, Rick White, address is P.O. Box
970 Pound, Virginia 24279

The defendant, Johnny Hall, address is P.O.
Box 970 Pound, Virginia 24279

The defendant, Massingale, address is P.O. Box
970 Pound, Virginia 24279

The defendant, Smith, address is P.O. Box 970
Pound, Virginia 24279

The defendant, John Doe, address is P.O. Box
970 Pound, Virginia 24279

The defendant, John Doe #2, address is P.O.
Box 970 Pound, Virginia 24279

The defendant, John Doe #3, address is P.O.
Box 970 Pound, Virginia 24279

The defendant, John Doe #4, address is P.O.
Box 970 Pound, Virginia 24279

The defendant, Dotson, address is P.O. Box
970 Pound, Virginia 24279

The defendant, Milgrim, address is P.O. Box
970 Pound, Virginia 24279

The defendant, John Doe #5, address is P.O.
Box 970 Pound, Virginia 24279

The defendant, John Doe #6, address is P.O.
Box 970 Pound, Virginia 24279

The defendant, John Doe #7, address is P.O.
Box 970 Pound, Virginia 24279

The defendant, John Doe #8, address is
P.O. Box 970 Pound, Virginia 24279

The defendant, John Doe #9, address is
P.O. Box 970 Pound, Virginia 24279

The defendant, John Doe #10, address is

-Exhibit II-

P.O. Box 970 Pound, Virginia 24279.

The defendant, Jane Poe, address is P.O. Box
970 Pound, Virginia 24279.

United States District Court
For The Western District Of
Virginia

Demetrius D. Wallace, **COMPLAINT**
Plaintiff, "Jury Trial Demanded"
Civil Action No.
Vs. Hon.

Director Chadwick S. Dodson, et al.
In their individual and official capacities,
Defendant(s),

INTRODUCTION

(1.) This is a civil rights action filed by Demetrius D. Wallace, a state prisoner, for damages and injunctive relief under 42 U.S.C. § 1983, alleging excessive use of force and denial of medical care in violation of the Eighth Amendment to the United States Constitution and confinement in segregation in violation of the Due Process Clause of the Fourteenth Amendment to the Constitution.

(2.) The plaintiff, Demetrius D. Wallace, also alleges the torts of assault, battery, and negligence.

JURISDICTION

(3.) This is a civil action authorized by 42 U.S.C. Section "1983" to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States.

(4.) This cause of action arises under the United States Constitution, enforceable pursuant to 42 U.S.C. §1983.

(5.) The court has jurisdiction under 28 U.S.C. Section 1331 and 1343(a)(3).

(6.) Plaintiff, Demetrius D. Wallace, claim for injunctive relief are authorized by 28 U.S.C. Section 2283, 2284, and Rule 65 of the Federal Rules of Civil Procedure.

(7.) The court has supplemental jurisdiction over the plaintiff, Demetrius D. Wallace, state law tort claims under 28 U.S.C. §1367.

VENUE

(8.) The United States District Court for the Western District of Virginia 210 Franklin Road, SW, Suite 540 Roanoke, Virginia

24011-2208 is an appropriate venue under 28 U.S.C. Section 1391 (b) (2) because it's where the events giving rise to these claims detailed within this complaint occurred.

PARTIES

(9.) Plaintiff, Demetrius D. Wallace, was incarcerated at Red Onion State Prison during the events described in this complaint.

(10.) Defendant, Chadwick S. Potson, is the director of the Virginia Department of Corrections. He is sued in his individual and official capacities.

(11.) Defendant, Gregory Holloway, is Regional Operations Chief of the Western Region of the Virginia Department of Corrections. He is sued in his individual and official capacities.

(12.) Defendant, Rick White, is the Warden of Red Onion State Prison. He is sued in his individual and official capacities.

(13.) Defendant, Johnny Hall, is the major at Red Onion State Prison. He is sued in his individual and official capacities.

(14.) Defendant, Massingale, is a lieutenant at

Red Onion State Prison. He is sued in his individual capacity.

(15.) Defendant, Smith, is a sergeant at Red Onion State Prison. She is sued in her individual capacity.

(16.) Defendant(s), John Doe, John Doe #2, John Doe #3, and John Doe #4 are sergeants employed at Red Onion State Prison whose names are presently unknown to plaintiff, Demetrius P. Wallace. They are sued in their individual capacities.

(17.) Defendant, Dotson, is a correctional officer employed at Red Onion State Prison. He is sued in his individual capacity.

(18.) Defendant, Milgrim, is a correctional officer employed at Red Onion State Prison. He is sued in his individual capacity.

(19.) Defendant(s), John Doe #5, John Doe #6, John Doe #7, John Doe #8, John Doe #9, and John Doe #10 are correctional officers employed at Red Onion State Prison whose names are presently unknown to plaintiff, Demetrius P. Wallace. They are sued in their individual capacities.

(20.) Defendant, Jane Doe, is a nurse employed

at Red Onion State Prison. She is sued
in her individual and official capacities.

PLAINTIFF

(21.) Plaintiff, Demetrius D. Wallace, was and
is at all times mentioned here within this
complaint, a prisoner of the State of Virginia
in the custody of the Virginia Department
of Corrections (VADOC).

(22.) He is currently confined in Red Onion State
Prison in Pound, Virginia.

PREVIOUS LAWSUIT(s) by PLAINTIFF

(23.) Plaintiff, Demetrius D. Wallace, has no other
lawsuits dealing with the same facts involved
in this action or otherwise dealing with or
relating to his imprisonment.

DEFENDANT(s)

(24.) The defendant, Chadwick S. Dotson, is
the Director of the State of Virginia
Department of Corrections. He is legally

responsible for the overall operations of the Virginia Department of Corrections and each institution under its jurisdiction, including Red Onion State Prison.

(25.) The defendant, Gregory Holloway, is the Regional Operations Chief of the Western Region of the Virginia Department of Corrections. He is legally responsible for operation of all of the prison in the state of Virginia within the Western Region, including Red Onion State Prison.

(26.) The defendant, Rick White, is the Warden of Red Onion State Prison. He is legally responsible for the operation of Red Onion State Prison and for the welfare of all the inmates in the prison.

(27.) The defendant, Johnny Hall, is the Major of Red Onion State Prison. He is responsible for the overall safety of inmates and the institution.

(28.) The defendant, Masingale, is a Lieutenant at Red Onion State Prison. He was the Watch Command and Supervisor of the shift that the incident detailed here within happened on.

(29.) The defendant, Smith, is a Sergeant at Red Onion State Prison. She was responsible over the staff and inmates inside of "A" building on her shift.

(30.) The defendant, John Doe, is a Sergeant at Red Onion State Prison that responded to the incident detailed here within this complaint.

(31.) The defendant, John Doe #2, is a Sergeant at Red Onion State Prison that responded to the incident detailed here within this complaint.

(32.) The defendant, John Doe #3, is a Sergeant at Red Onion State Prison that responded to the incident detailed here within this complaint.

(33.) The defendant, John Doe #4, is a Sergeant at Red Onion State Prison that responded to the incident detailed here within this complaint.

(34.) The defendant, Dotson, is a correctional officer at the State of Virginia Department of Corrections who, at all times mentioned in this complaint, held the rank of Corrections Officer and was assigned to Red Onion State Prison.

(35.) The defendant, Milgrim, is a correctional officer of the State of Virginia Department of Corrections who, at all times mentioned in this complaint, held the rank of Corrections Officer and was assigned to Red Onion State Prison.

(36.) The defendant, John Doe #5, is a correctional officer of the State of Virginia Department of Corrections who, at all times mentioned in this complaint, held the rank of Corrections Officer and was assigned to Red Onion State Prison.

(37.) The defendant, John Doe #6, is a correctional officer of the State of Virginia Department of Corrections who, at all times mentioned in this complaint, held the rank of Corrections Officer and was assigned to Red Onion State Prison.

(38.) The defendant, John Doe #7, is a correctional officer of the State of Virginia Department of Corrections who, at all times mentioned in this complaint, held the rank of Corrections Officer and was assigned to Red Onion State Prison.

(39.) The defendant, John Doe #8, is a correctional officer of the State of Virginia Department of Corrections who, at all times menti-

oned in this complaint, held the rank of Corrections Officer and was assigned to Red Onion State Prison.

(40.) The defendant, John Doe #9, is a correctional officer at the State of Virginia Department of Corrections who, at all times mentioned in this complaint, held the rank of Corrections Officer and was assigned to Red Onion State Prison.

(41.) The defendant, John Doe #10, is a correctional officer at the State of Virginia Department of Corrections who, at all times mentioned in this complaint, held the rank of Corrections Officer and was assigned to Red Onion State Prison.

(42.) The defendant, Jane Doe, is a nurse at Red Onion State Prison and is legally responsible to check all inmates after they are involved in any type of physical altercation.

(43.) At all times mentioned in this complaint each defendant acted under the color of State law.

STATEMENT OF FACTS

(44.) On the date of November 25th 2023 I was incarcerated at Red Onion State Prison.

(45.) I was out of my cell on the pod enjoying my out of bed area activities.

(46.) At the end of my out of bed area activity time, I approached Correctional Officer's Dotson and Milgrim and made them aware that I have been having problems with my sink and toilet for weeks and they still haven't been fixed.

(47.) Officer's Milgrim and Dotson then became extremely aggressive and hostile towards me saying things such as "Shut the fuck up", "Get the fuck out of my face", "Lock your dumb ass down", and various other things that were degrading and disrespectful.

(48.) I then stated that I just want my toilet fixed because prior to this altercation I had been using the restroom in the shower over the duration of my toilet being broke.

(49.) Correctional Officer Milgrim then removed his handcuffs from his waist and said "I'm locking his dumb ass up" to Correctional Officer Dotson, and then told me "Turn around and cuff the hell up".

(50.) I was then cuffed by Correctional Officer Milgrim. After placing the cuffs on my wrist

he squeezed the cuffs extremely tight to the point where I had no blood flow or circulation throughout both of my hands.

(51.) He then grabbed my arm in an aggressive manner that had my elbow at an odd angle and caused me extreme pain.

(52.) Correctional Officer Milgrim then stated "I hope one of these inmates beat your ass while your in the hand cuffs."

(53.) I was then removed from the pod and was told that I was being placed in the hole for a "disobeying a direct order" charge by the responding Sgt. of my build which is Sgt. Smith.

(54.) Sgt. Smith responded to the incident with Sgt. John Doe, Sgt. John Doe #3, Correctional Officer's John Doe #5, John Doe #6, John Doe #7, John Doe #8, and John Doe #9 to transport me to segregation.

(55.) Once we made it to segregation I turned to Sgt. Smith and asked her "Why am I being placed in segregation if all I wanted was my toilet fixed?"

(56.) Sgt. Smith then looked at me and said "Stop fucking talking to me and looking at ~~me~~"

me" as she removed her face mask.

(57.) I then told Sgt. Smith that I could look wherever I want and that she can't tell me where to look and where not to look.

(58.) Sgt. Smith then maced me directly in my face and eyes at point blank range for no reason.

(59.) After I was maced, Sgt. John Doe, Sgt. John Doe #3, Correctional Officer John Doe #5, John Doe #6, John Doe #7, John Doe #8, and John Doe #9 then lifted me off of my feet into the air and then slammed me extremely hard onto a solid concrete floor while I was in handcuffs and shackles.

(60.) While on the ground they proceeded to put their knees on my back and neck causing me extremely unbearable pain in my back and also unable to breathe due to the knees that were on my neck/facial region.

(61.) I started to gasp for air telling them I can't breathe and that I have rods in my leg to replace my femur and they continued to apply pressure to it as I called out begging them to stop.

(62.) Lt. Massingale, Sgt. John Doe #2, Sgt. John Doe #4, and

correctional officer #10 then responded to this incident and then told me to stand up but I couldn't due to all of the knees that were on various parts of my body.

(63.) They then removed their knees off of me and then I stood up to the best of my abilities.

(64.) Once I was completely erect I made them aware that I couldn't feel my legs and asked them could they please fix my leg shackles because they had become so tight while I was on the ground and they were on top of me.

(65.) After I asked them several more times (because they were ignoring me) I was then assaulted again by all of them and then threw in a Segregation cell.

(66.) While in my cell in segregation I continued to ask every employee of the prison that would walk pass to please get the nurse for me because I was in unbearable pain all over my body and still had an tremendous amount of mace in my eyes.

(67.) Even though VA's Virginia Department of Corrections policy to have a nurse check an inmate out after any force is used, a nurse was never provided to me.

(68.) I then over the course of the next couple of days after the incident, wrote the medical administrator to say and get checked out but never recieved a response.

(69.) Also I had to submit multiple written complaints and grievances because the institution kept acting like they lost my paper work that I was filing because I made them aware that I wanted all of the body cam footage saved for a future civil suit. (See Exhibits IV, V, VI, VII, VIII, IX, and X).

(70.) Lastly, I would like this honorable court to know that these are not just mere allegations, these are all facts that were observed on video footage that has been saved. (See Exhibit XII).

(71.) All of the defendants mentioned in these facts lacked penological and/or security justification to treat plaintiff, Demetrius P. Wallace in the manner as described above.

(72.) All of the defendants mentioned above acted wantonly, maliciously, and willfully to cause plaintiff, Demetrius P. Wallace pain and suffering.

STATEMENT OF CLAIM

(73.) At all times here within, the defendant(s) were "persons" for purposes of 42 U.S.C. Section "1983" and acted under color of law to deprive the plaintiff, Demetrius D. Wallace, of his constitutional rights, as set forth more fully detailed within this complaint.

EXHAUSTION OF LEGAL REMEDIES

(74.) Plaintiff, Demetrius D. Wallace, used the prisoner grievance procedure available at Red Onion State Prison to try and solve the problems detailed within this complaint.

(75.) After presenting the facts to the appropriate authorities within the prison and outside of the prison through written complaints and then through grievances, plaintiff, Demetrius D. Wallace, was sent a response to each grievance stating that they had been denied and unfounded.

(76.) Due to this, plaintiff, Demetrius D. Wallace, has exhausted his administrative remedies with

respect to all claims and defendant(s). (See Exhibits IV, V, VI, VII, VIII, IX, X, and XI)

LEGAL CLAIMS FOR RELIEF

(77.) Plaintiff, Demetrius D. Wallace, allege and incorporate by reference paragraphs 1-76.

(78.) The beating and deliberate indifference to medical needs violated plaintiff, Demetrius D. Wallace, rights and constituted cruel and unusual punishment under the Eighth Amendment to the United States Constitution.

(79.) The plaintiff, Demetrius D. Wallace, has no plan, adequate or complete remedy at law to redress the wrongs described here within. Plaintiff, Demetrius D. Wallace, has been and will continue to be irreparably injured by the conduct of the defendants unless this court grants the declaratory and injunctive relief which plaintiff, Demetrius D. Wallace, seeks.

PRAYER FOR RELIEF WHEREFORE

(80.) Plaintiff, Demetrius D. Wallace, respectfully

prays that this court enter judgment granting plaintiff:

(A.) Issue a declaratory judgment stating that:

(1.) The physical abuse of the plaintiff by defendant(s) Milgrim, Dabson, Sgt. Smith, Sgt. John Doe, Sgt. John Doe #3, Correctional Officers John Doe #5, John Doe #6, John Doe #7, John Doe #8, John Doe #9, Lt. Massingale, Sgt. John Doe #2, and Sgt. John Doe #4 violated the plaintiff's rights under the Eighth Amendment to the United States Constitution and constituted an assault and battery under state law.

(2.) Defendant(s), Major Hall, Sgt. Smith, and Lt. Massingale's failure to take action to curb the physical abuse of prisoners violated the plaintiff's rights under the Eighth Amendment to the United States Constitution and constituted an assault and battery under state law.

(3.) Defendant, Nurse Jane Doe, actions in failing to provide adequate medical care for the plaintiff violated the plaintiff's rights under the Eighth Amendment to the United States Constitution.

(B.) Issue an injunction ordering defendants Rick White, Major Hall, or their agents to:

- (1.) Immediately arrange for the plaintiff's need for physical therapy or other follow up medical treatment to be evaluated by a medical practitioner with expertise in the treatment of replaced femur bones; and
- (2.) Carry out without delay the treatment directed by such medical practitioner.

(C.) Issue an injunction ordering defendant Major Johnny Hall to:

- (1.) Expunge the disciplinary convictions described in this complaint from the plaintiff's institutional record.

(D.) Award compensatory damages in the following amounts:

- (1.) \$250,000.00 jointly and severally against defendants Sgt. John Doe, Sgt. John Doe #2, Sgt. John Doe #3, Sgt. John Doe #4, Correctional Officer's John Doe #5, John Doe #6, John Doe #7, John Doe #8, John Doe #8, John Doe #9, and John Doe #10 for the physical and emotional injuries sustained as a result of the plaintiff's beating.

- (2.) \$50,000.00 jointly and severally against defen

defendants Sgt. Smith and Lt. Massengale for the physical and emotional injury that were sustained as a result of the plaintiff's beating also including deprivation of liberty, amenity and emotional injury from their denial of due process in connection with the false charge and disciplinary proceedings relating to this matter.

(3.) \$50,000.00 against defendants Rick White, Major Johnny Hall, and Nurse Jane Doe for the physical and emotional injury resulting from their failure to provide adequate medical care to the plaintiff.

(4.) \$25,000.00 against defendant Gregory Holloway for failing to properly investigate the matters detailed in this complaint and also failing to acknowledge multiple grievances that were sent to him regarding this matter.

(E.) Award punitive damages in the following amounts:

(1.) \$10,000.00 each against defendants Sgt. John Doe, Sgt. John Doe #2, Sgt. John Doe #3, Sgt. John Doe #4, Correctional Officer's John Doe #5, John Doe #6, John Doe #7, John Doe #8, John Doe #9, and John Doe #10.

(2.) \$20,000.00 each against defendant(s)

Sgt. Smith and Lt. Messingale;

(3.) \$15,000.00 against defendant Jane Doe.

(F.) A jury trial on all issues triable by jury.

(G.) Plaintiff's cost in this suit.

(H.) Enter an injunction requiring the defendants, their agents, subordinates, employees, and all others acting in concert with them to cease their unconstitutional and unlawful practices and to remedy their violations of the Constitution and the laws.

(I.) Any additional relief that this court deems just, proper, and equitable.

Date:

Demetrius D. Wallace

Demetrius D. Wallace

Respectfully submitted,

Demetrius D. Wallace

#1705834

Virginia Centralized Mail Distribution Center

Red Onion State Prison

3521 Woods Way

State Farm, Virginia 23160

UNITED STATES DISTRICT COURT for the WESTERN DISTRICT OF VIRGINIA

**NOTICE TO PARTIES OF RIGHT TO CONSENT
TO JURISDICTION OF UNITED STATES MAGISTRATE JUDGE**Demetrius D. Wallace

Plaintiff(s)

v.

CIVIL ACTION NO. _____

(Assigned by Clerk's Office)

Director Chadwick S. Dobson, et. al.

Defendant(s)

In accordance with the provisions of Title 28, U.S.C. § 636(c), and Federal Rule of Civil Procedure 73, you are hereby notified that a United States Magistrate Judge of this district court is available to exercise the court's jurisdiction and to conduct any or all proceedings in this case including a jury or nonjury trial, and entry of a final judgment. Exercise of this jurisdiction by a magistrate judge is, however, permitted only if all parties voluntarily consent.

You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's jurisdiction from being exercised by a magistrate judge. If any party withholds consent, the identity of the parties consenting or withholding consent will not be communicated to any magistrate judge or to the district judge to whom the case has been assigned.

An appeal from a judgment entered by a magistrate judge may be taken directly to the United States Court of Appeals for the Fourth Circuit in the same manner as an appeal from any other judgment of a district court.

If you desire to consent to this action, please indicate so by signing below and returning the form to the Clerk's Office.

Demetrius D. Wallace

Printed Name

3/11/24

Date

Demetrius D. Wallace

Signature

Verification

I have read the foregoing complaint and I, plaintiff, Demetrius D. Wallace, state that I am the plaintiff in this action, and I know the content of the above complaint; that is true of my own knowledge, except as to those matters that are stated to be based on information and belief, as to those matters, I believe them to be true. I further state that I believe the factual assertions are sufficient to support a claim of violation of constitutional rights. Further, I verify that I am aware of the provisions set forth in 28 U.S.C. § 1915 that prohibits an inmate from filing a civil action or appeal, if the prisoner has, on three or more occasions, while incarcerated brought an action or appeal, in federal court that is dismissed on the grounds that it was frivolous, malicious, or failed to state a claim upon which relief may be granted, unless the prisoner is in imminent danger of serious physical injury. I understand that if this complaint is dismissed on any of the above grounds, I may be prohibited from filing any future actions without the prepayment of the filing fee's. Pursuant to 28 U.S.C. § 1746, I declare and verify under the penalty of perjury under the laws of the United

States of America that the foregoing is
true and correct.

Executed at Pound, Virginia on 03 / 01 / 24

Demetrius D. Wallace

Demetrius D. Wallace

Commonwealth of Virginia
County of: Wise, Virginia

Subscribed and sworn to before me on this
29th day of February 2024.

My commission expires 10/31/2026

Devin Dotson
Notary Public

Demetrius D. Wallace
#1705834

Virginia Centralized Mail Distribution Center
3521 Woods Way
State Farm, Virginia 23160

